

LAW OFFICES OF
ANDREW L. PACKARD

MAY 17 2016

100 PETALUMA BLVD N, STE 301, PETALUMA, CA 94952
PHONE (707) 763-7227 FAX (707) 763-9227
INFO@PACKARDLAWOFFICES.COM

May 11, 2016

VIA CERTIFIED MAIL

Bill Harper, General Manager
Lake Oroville Marina, LLC
801 Bidwell Canyon Road
Oroville, California 95966

Bill Harper, General Manager
Bidwell Canyon Marina
801 Bidwell Canyon Road
Oroville, California 95966

Matt Harvey, Agent for Service of Process
Lake Oroville Marina, LLC
7501 E. McCormick Parkway #1100LL
Scottsdale, Arizona 85258

Rex Maughan, President
Forever Resorts, LLC
7501 E. McCormick Parkway
Scottsdale, Arizona 85258

**Re: NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT UNDER THE
FEDERAL WATER POLLUTION CONTROL ACT ("CLEAN WATER ACT")
(33 U.S.C. §§ 1251 *et seq.*)**

Dear Mr. Harper and Mr. Maughan:

This firm represents the California Sportfishing Protection Alliance ("CSPA"), a California non-profit association, in regard to violations of the Clean Water Act ("CWA" or "the Act") occurring at Bidwell Canyon Marina ("BCM"), located at 801 Bidwell Canyon Road, in Oroville, California (the "Facility"). This letter is being sent to you as the responsible owners, officers and/or operators of the Facility. Unless otherwise noted, Mr. Harper, Mr. Maughan, Bidwell Canyon Marina, and Lake Oroville Marina, LLC shall hereinafter be collectively referred to as "BCM." CSPA is dedicated to the preservation, protection and defense of the environment, wildlife and natural resources of California waters, including the waters into which BCM discharges polluted storm water.

BCM is in ongoing violation of the substantive and procedural requirements of the CWA, 33 U.S.C. § 1251 *et seq.* and California's General Industrial Storm Water Permit, National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 ("General Permit"), Water Quality Order No. 97-03-DWQ ("1997 General Permit"), as superseded by Order No. 2015-0057-DWQ ("2015 General Permit").¹

¹ BCM submitted a Notice of Intent (NOI) to comply with the General Permit for the Facility on or about January 26, 2015.

On July 1, 2015, the 2015 General Permit went into effect, superseding the 1997 General Permit that was operative between 1997 and June 30, 2015. The 2015 General Permit includes many of the same fundamental requirements and implements many of the same statutory requirements as the 1997 General Permit. Violation of both the 1997 and 2015 General Permit provisions is enforceable under the law. 2015 General Permit, Finding A.6.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects Bidwell Canyon Marina to a penalty of up to \$37,500 per day per violation for all violations occurring during the period commencing five years prior to the date of this Notice of Violations and Intent to File Suit. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)) permits prevailing parties to recover costs and fees, including attorneys' fees.

The CWA requires that sixty (60) days prior to the initiation of a citizen-enforcement action under Section 505(a) of the Act (33 U.S.C. § 1365(a)), a citizen enforcer must give notice of its intent to file suit. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the Chief Administrative Officer of the water pollution control agency for the State in which the violations occur. *See* 40 C.F.R. § 135.2.

As required by the Act, this letter provides statutory notice of the violations that have occurred, and continue to occur, at the Facility. 40 C.F.R. § 135.3(a). At the expiration of sixty (60) days from the date of this letter, CSPA intends to file suit under Section 505(a) of the Act in federal court against BCM for violations of the Act and the Permit.

I. Background.

A. The Clean Water Act.

Congress enacted the CWA in 1972 in order to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251. The Act prohibits the discharge of pollutants into United States waters except as authorized by the statute. 33 U.S.C. § 1311; *San Francisco Baykeeper, Inc. v. Tosco Corp.*, 309 F.3d 1153, 1156 (9th Cir. 2002). The Act is administered largely through the NPDES permit program. 33 U.S.C. § 1342. In 1987, the Act was amended to establish a framework for regulating storm water discharges through the NPDES system. Water Quality Act of 1987, Pub. L. 100-4, § 405, 101 Stat. 7, 69 (1987) (codified at 33 U.S.C. § 1342(p)); *see also Env’tl. Def. Ctr., Inc. v. EPA*, 344 F.3d 832, 840-41 (9th Cir. 2003) (describing the problem of storm water runoff and summarizing the Clean Water Act’s permitting scheme). The discharge of pollutants without an NPDES permit, or in violation of an NPDES permit, is illegal. *Ecological Rights Found. v. Pac. Lumber Co.*, 230 F.3d 1141, 1145 (9th Cir. 2000).

Much of the responsibility for administering the NPDES permitting system has been delegated to the states. *See* 33 U.S.C. § 1342(b); *see also* Cal. Water Code § 13370 (expressing

California's intent to implement its own NPDES permit program). The CWA authorizes states with approved NPDES permit programs to regulate industrial storm water discharges through individual permits issued to dischargers, as well as through the issuance of a single, statewide general permit applicable to all industrial storm water dischargers. 33 U.S.C. § 1342(b). Pursuant to Section 402 of the Act, the Administrator of EPA has authorized California's State Board to issue individual and general NPDES permits in California. 33 U.S.C. § 1342.

B. California's General Permit for Storm Water Discharges Associated with Industrial Activities

Between 1997 and June 30, 2015, the General Permit in effect was Order No. 97-03-DWQ, which CSPA refers to as the "1997 General Permit." On July 1, 2015, pursuant to Order No. 2015-0057-DWQ the General Permit was reissued, including many of the same fundamental terms as the prior permit. For purposes of this notice letter, CSPA refers to the reissued permit as the "2015 General Permit." The 2015 General Permit rescinded in whole the 1997 General Permit, except for the expired permit's requirement that annual reports be submitted by July 1, 2015, and for purposes of CWA enforcement. 2015 General Permit, Finding A.6.

Facilities discharging, or having the potential to discharge, storm water associated with industrial activities that have not obtained an individual NPDES permit must apply for coverage under the General Permit by filing a Notice of Intent to Comply ("NOI"). 1997 General Permit, Provision E.1; 2015 General Permit, Standard Condition XXI.A. Facilities must file their NOIs before the initiation of industrial operations. *Id.*

Facilities must strictly comply with all of the terms and conditions of the General Permit. A violation of the General Permit is a violation of the CWA.

The General Permit contains three primary and interrelated categories of requirements: (1) discharge prohibitions, receiving water limitations and effluent limitations; (2) Storm Water Pollution Prevention Plan ("SWPPP") requirements; and (3) self-monitoring and reporting requirements.

C. BCM's Lake Oroville Facility

BCM's approximately 4-acre Facility is operated as a marina as well as a boat and maintenance shop. The industrial activities at the Facility fall under Standard Industrial Classification ("SIC") Code 4493 ("Marinas").

BCM collects and discharges storm water associated with industrial activities at the Facility through at least two (2) discharge points into Lake Oroville. Lake Oroville is a water of the United States within the meaning of the Clean Water Act.

The General Permit requires BCM to analyze storm water samples for Total Suspended Solids ("TSS"), pH, and Oil and Grease ("O&G"). 1997 General Permit, Section B.5.c.i; 2015 General Permit, Section XI.B.6. Facilities under SIC Code 4493 must also analyze storm water

samples for Aluminum (“Al”), Iron (“Fe”), Lead (“Pb”), and Zinc (“Zn”). 1997 General Permit, Tables 1-2; 2015 General Permit, Tables 1-2.

II. BCM’s Violations of the Act and Permit.

Based on its review of available public documents, CSPA is informed and believes that BCM is in ongoing violation of both the substantive and procedural requirements of the CWA and the Permit. BCM’s violations are ongoing and continuous. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the CWA, BCM is subject to penalties for violations of the Act since May 11, 2011.

A. BCM Discharges Storm Water Containing Pollutants in Violation of the Permit’s Discharge Prohibitions, Receiving Water Limitations and Effluent Limitations.

BCM’s storm water sampling results provide conclusive evidence of BCM’s failure to comply with the General Permit’s discharge prohibitions, receiving water limitations and effluent limitations. Self-monitoring reports under the Permit are deemed “conclusive evidence of an exceedance of a permit limitation.” *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

1. Applicable Water Quality Standards.

The General Permit requires that storm water discharges and authorized non-storm water discharges shall not cause or threaten to cause pollution, contamination, or nuisance. 1997 General Permit, Discharge Prohibition A.2; 2015 General Permit, Discharge Prohibition III.C. The General Permit also prohibits discharges that violate any discharge prohibition contained in the applicable Regional Water Board’s Basin Plan or statewide water quality control plans and policies. 1997 General Permit, Receiving Water Limitation C.2; 2015 General Permit, Discharge Prohibition III.D. Furthermore, storm water discharges and authorized non-storm water discharges shall not adversely impact human health or the environment, and shall not cause or contribute to a violation of any water quality standards in any affected receiving water. 1997 General Permit, Receiving Water Limitations C.1, C.2; 2015 General Permit, Receiving Water Limitations VI.A, VI.B.

Dischargers are also required to prepare and submit documentation to the Regional Board upon determination that storm water discharges are in violation of the General Permit’s Receiving Water Limitations. 1997 General Permit, p. VII; 2015 General Permit, Special Condition XX.B. The documentation must describe changes the discharger will make to its current storm water best management practices (“BMPs”) in order to prevent or reduce any pollutant in its storm water discharges that is causing or contributing to an exceedance of water quality standards. *Id.*

The California Toxics Rule (“CTR”) is an applicable water quality standard under the Permit, violation of which is a violation of Permit conditions. *Cal. Sportfishing Prot. Alliance v.*

Chico Scrap Metal, Inc., 2015 U.S. Dist. LEXIS 108314, *21 (E.D. Cal. 2015). CTR establishes numeric receiving water limits for toxic pollutants in California surface waters. 40 C.F.R. § 131.38. The CTR establishes a numeric limit for at least two of the pollutants discharged by BCM: Zinc – 0.12 mg/L (maximum concentration) and Lead – 0.065 mg/L (maximum concentration).

The *Water Quality Control Plan, Fourth Edition (Revised August 2006)*, for the *Sacramento and San Joaquin River Basins* (“Basin Plan”) also sets forth water quality standards and prohibitions applicable to BCM’s storm water discharges. The Basin Plan identifies present and potential beneficial uses for the Sacramento River, which include municipal and domestic water supply, hydropower generation, agricultural supply, industrial service supply, navigation, wildlife habitat, warm freshwater habitat, cold freshwater habitat, warm and cold spawning, and contact and non-contact water recreation.

2. Applicable Effluent Limitations.

Dischargers are required to reduce or prevent pollutants in their storm water discharges through implementation of best available technology economically achievable (“BAT”) for toxic and nonconventional pollutants and best conventional pollutant control technology (“BCT”) for conventional pollutants. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. Conventional pollutants include Total Suspended Solids, Oil & Grease, pH, Biochemical Oxygen Demand and Fecal Coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. 40 C.F.R. §§ 401.15-16.

Under the General Permit, benchmark levels established by the EPA (“EPA benchmarks”) serve as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite BAT and BCT. *Santa Monica Baykeeper v. Kramer Metals*, 619 F.Supp.2d 914, 920, 923 (C.D. Cal 2009); 1997 General Permit, Effluent Limitations B.5-6; 2015 General Permit, Exceedance Response Action XII.A.

The following EPA benchmarks have been established for pollutants discharged by BCM: Total Suspended Solids – 100 mg/L; Zinc – 0.117 mg/L; Aluminum – 0.75 mg/L; Chemical Oxygen Demand – 120 mg/L; Iron – 1.0 mg/L; Magnesium – 0.0636 mg/L; Lead – 0.0816 mg/L; and Oil & Grease – 15.0 mg/L.

3. Bidwell Canyon Marina’s Storm Water Sample Results

The following discharges of pollutants from the Facility have violated the discharge prohibitions, receiving water limitations and effluent limitations of the Permit:

- a. Discharge of Storm Water Containing Total Suspended Solids (TSS) at Concentrations in Excess of Applicable EPA Benchmark Value**

Date	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
12/3/2015	South Runoff	TSS	106	100
4/5/2015	North Runoff	TSS	128	100
4/5/2015	South Runoff	TSS	491	100
1/29/2014	South Runoff	TSS	444	100
10/05/2011	Shop	TSS	344	100

b. Discharges of Storm Water Containing Zinc (Zn) at Concentrations in Excess of Applicable EPA Benchmark and CTR Values

Date	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)	CTR Criteria (mg/L)
3/20/16	South Runoff	Zn	0.148	0.117	0.12
3/10/2016	South Runoff	Zn	0.163	0.117	0.12
12/3/2015	South Runoff	Zn	0.179	0.117	0.12
4/5/2015	South Runoff	Zn	0.69	0.117	0.12
3/26/2014	South Runoff	Zn	0.36	0.117	0.12
1/29/2014	South Runoff	Zn	1.42	0.117	0.12
2/19/2013	North Runoff	Zn	0.27	0.117	0.12
1/19/2012	Shop Runoff	Zn	1.51	0.117	0.12
1/19/2012	South Runoff	Zn	0.20	0.117	0.12
10/05/2011	Shop	Zn	1.02	0.117	0.12

c. Discharges of Storm Water Containing Aluminum (Al) at Concentrations in Excess of Applicable EPA Benchmark Value

Date	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
3/20/2016	South Runoff	Al	2.87	0.75
3/10/2016	South Runoff	Al	1.46	0.75
12/9/2015	South Runoff	Al	1.68	0.75
12/3/2015	South Runoff	Al	2.25	0.75
4/5/2015	North Runoff	Al	1.2	0.75
4/5/2015	South Runoff	Al	8.7	0.75
3/26/2014	North Runoff	Al	1.1	0.75
3/26/2014	South Runoff	Al	6.1	0.75
1/29/2014	North Runoff	Al	1.6	0.75
1/29/2014	South Runoff	Al	11.3	0.75
2/19/2013	North Runoff	Al	2.1	0.75
1/19/2012	Shop Runoff	Al	3.9	0.75

1/19/2012	South Runoff	Al	1.1	0.75
10/05/2011	Shop	Al	12.5	0.75
10/05/2011	South Runoff	Al	3.1	0.75

d. Discharges of Storm Water Containing Iron (Fe) at Concentrations in Excess of Applicable EPA Benchmark Value

Date	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
3/20/2016	South Runoff	Fe	4.02	1.0
3/10/2016	South Runoff	Fe	2.16	1.0
12/9/2015	South Runoff	Fe	2.93	1.0
12/3/2015	South Runoff	Fe	3.82	1.0
4/5/2015	North Runoff	Fe	2.27	1.0
4/5/2015	South Runoff	Fe	10.8	1.0
3/26/2014	North Runoff	Fe	1.59	1.0
3/26/2014	South Runoff	Fe	8.76	1.0
1/29/2014	North Runoff	Fe	2.68	1.0
1/29/2014	South Runoff	Fe	14.8	1.0
2/19/2013	North Runoff	Fe	2.27	1.0
1/19/2012	Shop Runoff	Fe	4.39	1.0
1/19/2012	South Runoff	Fe	1.63	1.0
10/05/2011	Shop	Fe	18.4	1.0
10/05/2011	South Runoff	Fe	3.96	1.0

d. Discharges of Storm Water Containing Magnesium (Mg) at Concentrations in Excess of Applicable EPA Benchmark Value

Date	Discharge Point	Parameter	Concentration in Discharge (mg/L)	EPA Benchmark Value (mg/L)
3/20/16	South Runoff	Mg	1.56	0.0636
12/9/2015	South Runoff	Mg	1.3	0.0636
12/3/15	South Runoff	Mg	1.72	0.0636

e. Discharges of Storm Water Exceeding the Basin Plan Standards for pH

Date	Discharge Point	Parameter	Concentration in Discharge (pH units)	Basin Plan (pH units)
4/5/2015	North Runoff	pH	4.7	6.5 – 8.5
4/5/2015	South Runoff	pH	5.7	6.5 – 8.5
3/26/2014	North Runoff	pH	6.1	6.5 – 8.5
1/29/2014	North Runoff	pH	5.8	6.5 – 8.5
1/29/2014	South Runoff	pH	5.7	6.5 – 8.5

2/19/2013	South Runoff	pH	6.3	6.5 – 8.5
1/19/2012	Shop Runoff	pH	6.0	6.5 – 8.5
1/19/2012	South Runoff	pH	5.5	6.5 – 8.5

f. BCM's Sample Results Are Evidence of Violations of the General Permit

BCM's sample results demonstrate violations of the General Permit's discharge prohibitions, receiving water limitations and effluent limitations set forth above. CSPA is informed and believes that BCM has known that its storm water contains pollutants at levels exceeding General Permit standards since at least May 9, 2011.

CSPA alleges that such violations occur each time storm water discharges from the Facility. Attachment A hereto, sets forth the specific rain dates on which CSPA alleges that BCM has discharged storm water containing impermissible levels of TSS, Zn, Al, Fe, and Mg in violation of the General Permit. 1997 General Permit, Discharge Prohibition A.2, Receiving Water Limitations C.1 and C.2; 2015 General Permit, Discharge Prohibitions III.C and III.D, Receiving Water Limitations VI.A, VI.B.

4. BCM Has Failed to Implement BAT and BCT.

Dischargers must implement BMPs that fulfill the BAT/BCT requirements of the CWA and the General Permit to reduce or prevent discharges of pollutants in their storm water discharges. 1997 General Permit, Effluent Limitation B.3; 2015 General Permit, Effluent Limitation V.A. To meet the BAT/BCT standard, dischargers must implement minimum BMPs and any advanced BMPs set forth in the General Permit's SWPPP Requirements provisions where necessary to reduce or prevent pollutants in discharges. *See* 1997 General Permit, Sections A.8.a-b; 2015 General Permit, Sections X.H.1-2.

BCM has failed to implement the minimum BMPs required by the General Permit, including: good housekeeping requirements; preventive maintenance requirements; spill and leak prevention and response requirements; material handling and waste management requirements; erosion and sediment controls; employee training and quality assurance; and record keeping. 1997 General Permit, Sections A.8.a(i-x); 2015 General Permit, Sections X.H.1(a-g).

BCM has further failed to implement advanced BMPs necessary to reduce or prevent discharges of pollutants in its storm water sufficient to meet the BAT/BCT standards, including: exposure minimization BMPs; containment and discharge reduction BMPs; treatment control BMPs; or other advanced BMPs necessary to comply with the General Permit's effluent limitations. 1997 General Permit, Section A.8.b; 2015 General Permit, Sections X.H.2.

Each day the Owners/Operators have failed to develop and implement BAT and BCT at the Facility in violation of the General Permit is a separate and distinct violation of Section 301(a) of the CWA (33 U.S.C. § 1311(a)). The violations described above were at all times in violation of Section A of the 1997 General Permit, and Section X of the 2015 General Permit.

Accordingly, the Owners/Operators have been in violation of the BAT and BCT requirements at the Facility every day since at least May 11, 2011.

5. BCM Has Failed to Implement an Adequate Monitoring Implementation Plan.

The General Permit requires dischargers to implement a Monitoring Implementation Plan. Permit, Section X.I. As part of their monitoring plan, dischargers must identify all storm water discharge locations. Permit, Section X.I.2. Dischargers must then conduct monthly visual observations of each drainage area, as well as visual observations during discharge sampling events. General Permit, Section XI.A.1 and 2.

Dischargers must collect and analyze storm water samples from two (2) storm events within the first half of each reporting year (July 1 to December 31) and two (2) storm events during the second half of each reporting year (January 1 to June 3). General Permit, Section XI.B. Section XI.B requires dischargers to sample and analyze during the wet season for basic parameters such as pH, total suspended solids ("TSS") and oil and grease ("O&G"), certain industry-specific parameters set forth in Table 1 of the General Permit, and other pollutants likely to be in the storm water discharged from the facility based on the pollutant source assessment. Permit, Section XI.B.6. The General Permit requires that the Discharger shall ensure that all laboratory analyses are conducted according to test procedures under 40 CFR 136. Permit, Section XI.B.10. Dischargers must submit all sampling and analytical results via SMARTS within thirty (30) days of obtaining all results for each sampling event. Section XI.B.11.

BCM has failed to develop and implement an adequate Monitoring Implementation Plan by failing to sample all discharge locations during each qualifying storm event and using incorrect test methods when analyzing certain parameters.

Each day that BCM has failed to develop and implement an adequate Monitoring Implementation Plan is a separate and distinct violation of the Act and Permit. BCM has been in violation of the Monitoring Implementation Plan requirements every day since at least May 13, 2011.

6. BCM Has Failed to Develop and Implement an Adequate Storm Water Pollution Prevention Plan.

The General Permit requires dischargers to develop and implement a site-specific SWPPP. 1997 General Permit, Section A.1; 2015 General Permit, Section X.A. The SWPPP must include, among other elements: (1) the facility name and contact information; (2) a site map; (3) a list of industrial materials; (4) a description of potential pollution sources; (5) an assessment of potential pollutant sources; (6) minimum BMPs; (7) advanced BMPs, if applicable; (8) a monitoring implementation plan; (9) annual comprehensive facility compliance evaluation; and (10) the date that the SWPPP was initially prepared and the date of each SWPPP amendment, if applicable. *See id.*

Dischargers must revise their SWPPP whenever necessary and certify and submit via the Regional Board's Storm Water Multiple Application and Report Tracking System ("SMARTS") their SWPPP within 30 days whenever the SWPPP contains significant revisions(s); and, certify and submit via SMARTS for any non-significant revisions not more than once every three (3) months in the reporting year. 2015 General Permit, Section X.B; see also 1997 General permit, Section A.

CSPA's investigation indicates that BCM has been operating with an inadequately developed or implemented SWPPP in violation of General Permit requirements. BCM has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary, resulting in the Facility's numerous effluent limitation violations.

Each day BCM has failed to develop and implement an adequate SWPPP is a violation of the General Permit. The SWPPP violations described above were at all times in violation of Section A of the 1997 General Permit, and Section X of the 2015 General Permit. BCM has been in violation of these requirements at the Facility every day since at least May 11, 2011.

III. Persons Responsible for the Violations.

CSPA puts BCM on notice that they are the persons and entities responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts BCM on formal notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of each of the noticing parties is as follows:

Bill Jennings, Executive Director
California Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204
(209) 464-5067

V. Counsel.

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

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May 11, 2016
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Andrew L. Packard
Megan E. Truxillo
William N. Carlon
Law Offices Of Andrew L. Packard
100 Petaluma Boulevard North, Suite 301
Petaluma, CA 94952
(707) 763-7227
Andrew@PackardLawOffices.com

VI. Conclusion

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. We intend to file a citizen suit under Section 505(a) of the CWA against Bidwell Canyon Marina and its agents for the above-referenced violations upon the expiration of the 60-day notice period. If you wish to pursue remedies in the absence of litigation, we suggest that you initiate those discussions within the next twenty (20) days so that they may be completed before the end of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Andrew L. Packard
Law Offices of Andrew L. Packard
Counsel for California Sportfishing Protection Alliance

SERVICE LIST

VIA CERTIFIED MAIL

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Jared Blumenfeld, Regional Administrator
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA, 94105

Hon. Loretta Lynch
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

ATTACHMENT A
Notice of Intent to File Suit, BCM
Significant Rain Events,* May 11, 2011 – May 11, 2016

May	15	2011	March	18	2012	December	26	2012
May	16	2011	March	19	2012	January	5	2013
May	17	2011	March	25	2012	January	6	2013
May	18	2011	March	26	2012	January	9	2013
May	23	2011	March	28	2012	January	10	2013
May	26	2011	March	30	2012	January	23	2013
May	29	2011	April	1	2012	January	24	2013
June	1	2011	April	4	2012	January	27	2013
June	2	2011	April	11	2012	February	7	2013
June	4	2011	April	12	2012	February	8	2013
June	5	2011	April	13	2012	February	19	2013
June	6	2011	April	14	2012	February	20	2013
June	7	2011	April	26	2012	March	3	2013
June	29	2011	June	5	2012	March	4	2013
October	4	2011	October	22	2012	March	5	2013
October	5	2011	October	23	2012	March	6	2013
October	6	2011	October	24	2012	March	7	2013
October	7	2011	November	1	2012	March	19	2013
October	10	2011	November	17	2012	March	20	2013
October	11	2011	November	18	2012	March	21	2013
November	4	2011	November	20	2012	March	30	2013
November	6	2011	November	21	2012	March	31	2013
November	12	2011	November	28	2012	April	1	2013
November	20	2011	November	29	2012	April	4	2013
November	21	2011	November	30	2012	April	5	2013
November	24	2011	December	1	2012	April	7	2013
November	25	2011	December	2	2012	April	8	2013
December	15	2011	December	3	2012	May	5	2013
January	20	2012	December	4	2012	May	6	2013
January	21	2012	December	5	2012	May	7	2013
January	23	2012	December	6	2012	May	16	2013
January	24	2012	December	11	2012	May	27	2013
January	27	2012	December	12	2012	May	28	2013
February	8	2012	December	13	2012	June	10	2013
February	11	2012	December	16	2012	June	11	2013
February	13	2012	December	17	2012	June	18	2013
February	29	2012	December	20	2012	June	24	2013
March	13	2012	December	21	2012	June	25	2013
March	14	2012	December	22	2012	June	26	2013
March	15	2012	December	23	2012	August	20	2013
March	16	2012	December	24	2012	September	21	2013
March	17	2012	December	25	2012	September	22	2013
September	24	2013	August	5	2014	February	6	2015

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.

ATTACHMENT A
Notice of Intent to File Suit, BCM
Significant Rain Events,* May 11, 2011 – May 11, 2016

October	27	2013	September	24	2014	February	7	2015
October	28	2013	September	25	2014	February	8	2015
November	19	2013	September	26	2014	February	9	2015
November	20	2013	October	14	2014	February	10	2015
November	21	2013	October	15	2014	February	27	2015
December	6	2013	October	16	2014	February	28	2015
December	7	2013	October	20	2014	March	11	2015
January	29	2014	October	21	2014	March	22	2015
January	30	2014	October	24	2014	March	23	2015
February	5	2014	October	25	2014	April	5	2015
February	6	2014	October	26	2014	April	6	2015
February	7	2014	October	31	2014	April	7	2015
February	8	2014	November	1	2014	April	8	2015
February	9	2014	November	12	2014	April	23	2015
February	10	2014	November	13	2014	April	24	2015
February	16	2014	November	14	2014	April	25	2015
February	26	2014	November	19	2014	June	6	2015
February	27	2014	November	20	2014	June	7	2015
February	28	2014	November	21	2014	July	8	2015
March	1	2014	November	22	2014	July	9	2015
March	2	2014	November	28	2014	September	16	2015
March	3	2014	November	29	2014	September	17	2015
March	4	2014	November	30	2014	October	16	2015
March	5	2014	December	1	2014	October	17	2015
March	6	2014	December	2	2014	November	2	2015
March	9	2014	December	3	2014	November	3	2015
March	10	2014	December	4	2014	November	9	2015
March	25	2014	December	5	2014	November	10	2015
March	26	2014	December	6	2014	November	14	2015
March	27	2014	December	10	2014	November	15	2015
March	28	2014	December	11	2014	November	16	2015
March	29	2014	December	12	2014	November	25	2015
March	30	2014	December	13	2014	December	3	2015
March	31	2014	December	14	2014	December	4	2015
April	1	2014	December	15	2014	December	5	2015
April	5	2014	December	16	2014	December	6	2015
April	25	2014	December	17	2014	December	9	2015
April	26	2014	December	18	2014	December	10	2015
May	5	2014	December	19	2014	December	11	2015
May	6	2014	December	20	2014	December	13	2015
August	4	2014	December	21	2014	December	14	2015
December	19	2015	March	21	2016	December	21	2015
December	20	2015	March	22	2016	December	22	2015

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.

ATTACHMENT A
Notice of Intent to File Suit, BCM
Significant Rain Events,* May 11, 2011 – May 11, 2016

January	4	2016	April	23	2016
January	5	2016			
January	6	2016			
January	7	2016			
January	8	2016			
January	9	2016			
January	10	2016			
January	12	2016			
January	13	2016			
January	14	2016			
January	15	2016			
January	16	2016			
January	17	2016			
January	18	2016			
January	19	2016			
January	20	2016			
January	22	2016			
January	23	2016			
January	28	2016			
January	29	2016			
January	30	2016			
February	2	2016			
February	17	2016			
February	18	2016			
February	19	2016			
February	20	2016			
March	3	2016			
March	4	2016			
March	5	2016			
March	6	2016			
March	7	2016			
March	8	2016			
March	10	2016			
March	11	2016			
March	12	2016			
March	13	2016			
March	14	2016			
March	20	2016			
April	14	2016			
April	22	2016			

* Dates gathered from publicly available rain and weather data collected at stations located near the Facility.